

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3466 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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NAVNIT DEVJIBHAI BHATTI

Versus

DIST INSPECTOR OF LAND RECORDS JAMNAGAR

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Appearance:

MR AD DESAI for Petitioners

MR VB GHARANIA for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 30/08/1999

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioners, in all, twelve in number, by this special civil application are praying for following reliefs:

(A) That Your Lordships will be pleased to issue a writ of mandamus or a writ in the nature of

mandamus or any other appropriate writ, direction or order and be further pleased to direct the respondents to give the appointment as to the petitioners permanently and further be pleased to direct the respondents not to terminate the services of the petitioners for four months.

(B) Your Lordships will be pleased to issue an appropriate writ, order or direction and be further pleased to declare the policy and practice including the Government Resolutions, Circulars, and Rules for giving appointment for eight months ultra vires Article 14 and 16 of the Constitution of India.

(C) That Your Lordships will be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, direction and be further pleased to quash and set aside the impugned order of termination, if any, pass by the respondent No.1.

(D) Pending hearing and final disposal of this petition, Your Lordships may be pleased to restrain the respondents, their servants and agents from terminating the services of the petitioners and be further pleased to direct the respondents not to obstruct the petitioners in discharging their duties as Peon in any manner whatsoever.

(E) To allow this petition with costs.

(F) To pass such other and further orders as may be deemed fit and proper in the interest of justice.

3. This petition has come up for preliminary hearing in the Court on 27th June, 1985, on which date, notice has been issued to the respondent and in the meanwhile, status-quo be maintained was ordered, which interim relief is continuing till this date. It subsequently was admitted.

4. The petitioners admittedly were working as seasonal employees prior to the date of admission of this special civil application. On completion of season, their services were brought to an end. This employment continues for years together in the same manner and fashion. After this court's order, now the petitioners are continuously working.

5. This position is not disputed by the counsel for the respondents.

6. It is understandable that the appointments may be made for work during the season. These appointments are called to be seasonal appointments and naturally looking to the fact of temporary increase of work during particular season, on completion of that increased work, their services are brought to an end and that what precisely in the Land Records Department in Gujarat it was happening till the date on which this petition was admitted and interim relief has been granted in favour of the petitioners. But for all the years to come, i.e. to say till they attain the age of superannuation these persons continued as seasonal appointees and as such they will not get the pension and other retirement benefits. Moreover, they rendered jobless for four months but at the same time a blanket order cannot be passed for regularisation of their services as it is only a case of seasonal appointment of the employees.

7. In such matters, in the regular cadre, the State of Gujarat may provide reservation for this class of employees so that to the extent of the prescribed reservation the vacancies are filled in only from this class of persons and in phases these persons may come in the permanent employment and they get the security of the employment. However, this matter has to be considered by the respondent No.3, and more so, in the light of the observations made in this judgment.

8. In the result, this special civil application is disposed of in terms that the respondent No.3 may decide how and in what manner the employees of the category to which the petitioners belong can be taken in the permanent employment. The modalities and procedure for this has to be chalked out by the respondent No.3. This exercise has to be undertaken and completed within a period of six months from the date of receipt of writ of this order and where the petitioners or any of them desire personal hearing they may be given an opportunity of personal hearing also. In case, decision taken by the respondent No.3 in this respect is adverse to the petitioners, same has to be communicated to the petitioners by registered post A.D.. In case of difficulty, liberty is granted to the petitioners for revival of this special civil application. The interim relief granted by this Court shall continue till the matter is decided by the respondent No.3.

9. The special civil application and Rule stand

disposed of in the aforesaid terms with no order as to costs.

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